

REMARKS/ARGUMENTS

Claims 1, 4-13, 17-19, 30, 33-43, 47-49, 66, 69-78 and 82-84 are currently pending in the application. Claims 20-29, 50-65 and 85-94 have been withdrawn from consideration with traverse in response to a restriction requirement. Claims 2-3, 14-16, 31-32, 44-46, 67-68 and 79-81 have been canceled without prejudice.

Applicant respectfully requests a three-month extension of time to extend the due date from March 9, 2010 to June 9, 2010. A credit card authorization for the required fees is being submitted herewith. The Commissioner is hereby authorized to charge any additional fees, or credit any refunds, to Chalker Flores, LLP's Deposit Account No. 50-4863.

In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

The Office Action of December 9, 2009 is not directed to the currently pending claims

The Office Action mailed December 9, 2010 appears to address claims recited in another application and does not address the amendments, arguments and claims in the response filed on August 3, 2009. Applicant apologizes to the Examiner for not bringing this to his attention earlier.

For example, page two of the Office Action refers to claims 1-23 and an amendment filed on July 6, 2009. In contrast, claims 1, 4-13, 17-19, 30, 33-43, 47-49, 66, 69-78 and 82-84 are currently pending in the present application and the last amendment was filed on August 3, 2009. Moreover, the Office Action's rejections and cited references are directed to "a method and system providing commercials to an audience." (page 3, last paragraph). In contrast, the claims in the present application are directed to a method and apparatus for selecting a power source for a shaft-driven device from two or more available power sources. As a result, applicant respectfully submits that the present Office Action is not applicable to the currently pending claims and does not address the amendments and arguments submitted on August 3, 2009.

Accordingly, applicant respectfully requests that: (1) the Office Action mailed December 9, 2010 be withdrawn; (2) the amendment and arguments filed on August 3, 2009 be fully considered; and (3) either a Notice of Allowance or a new non-final office action be issued to replace the current Office Action.

Currently Pending Claims

For at least the reasons stated in the August 3, 2009 response, which is hereby incorporated by reference, applicant respectfully submits that claims 1, 4-13, 17-19, 30, 33-43, 47-49, 66, 69-78, 82-84 are not obvious over Mistr in view of Aasen and are,

Appl. No. 10/688,614
Amdt dated Jun. 9, 2010
Reply to Office Action of Dec. 9, 2009

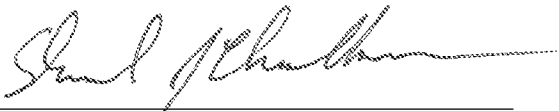
therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully requests that the rejection of claims 1, 4-13, 17-19, 30, 33-43, 47-49, 66, 69-78, 82-84 be withdrawn.

Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 1, 4-13, 17-19, 30, 33-43, 47-49, 66, 69-78, 82-84 are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

Date: June 9, 2010

Respectfully submitted,
CHALKER FLORES, LLP

By 

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